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Sun Microsystems/Finnegan Henderson LLP
901 New York Avenue
Washington DC 20001-4413

In re Application of
Steele Jr.
Application No. 10/035,586
Filed: Dec. 28, 2001
Attorney Docket No. 06502.0373-00

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: DECISION GRANTING LETTER
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This decision is in response to Applicant's 'NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM' filed on June 28, 2006 requesting that the USPTO review the PTA determination at the time of the mailing of the notice of allowance.

Applicant's letter concerning PTA is **GRANTED**. The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect a determination of **568 days** of PTA. A copy of the adjusted PTA calculation is provided with this determination.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicant requests review of the PTA determination but did not provide any assert any specific reason for the discrepancy.

A review of the record reflects that applicant is correct. The Office failed to reduce the PTA for the submission of the NOTICE OF APPEAL on September 30, 2005 a thirty (30) day delay. The Office notes that the final rejection was mailed on May 31, 2005 and the notice of appeal was not submitted until September 30, 2006. In addition, the Office did reply to applicants' amendment after notice of appeal within four months. The Office notes that applicants submitted an amendment on March 21, 2006 that was responded to by the USPTO within four months on April 27, 2006. Accordingly, the 149 additional days of USPTO delay is inaccurate. Accordingly, at the time of the mailing of the notice of allowance, the USPTO delay is 565 days pursuant to 37 CFR 1.702(a)(1) and 41 days pursuant to 37 CFR 1.702(a)(2). Applicants delay is eight days pursuant to 37 CFR 1.704(c)(8) and 30 days pursuant to 37 CFR 1.704(b). Thus the proper amount of PTA at the time of the mailing of the notice of allowance is 568 (565+41-5-3-30=568) days.

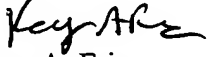
The USPTO acknowledges that any delays pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be added at the time of the issuance of the patent and will be reflected in the PTA determination provided to applicant in the issue notification letter.

After the mailing of this decision, the Office will forward this application to the Office of Publications for a prompt issuance of the patent.

If applicant believes that the Office erred in calculating the PTA for reasons other than provided in this decision, applicant may provide further clarification as to the inaccuracy of such calculation.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.



Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

Day : Thursday

Date: 2/8/2007
Time: 09:01:21**PALM INTRANET****PTA Calculations for Application: 10/035586**

Application Filing Date:	12/28/2001	PTO Delay (PTO):	755
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	8
Post-Issue Petitions:	0	Total PTA (days):	568
PTO Delay Adjustment:	-179		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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55	04/27/2006	MAIL NOTICE OF ALLOWANCE	149		34
54	04/27/2006	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
53	04/25/2006	ISSUE REVISION COMPLETED			
52	04/25/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	04/20/2006	NOTICE OF ALLOWABILITY			
50	01/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	04/12/2006	PARALEGAL TD ACCEPTED			
48	04/12/2006	NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
47	03/21/2006	TERMINAL DISCLAIMER FILED			
46	04/11/2006	DATE FORWARDED TO EXAMINER			
45	03/21/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
44	03/21/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	01/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	01/26/2006	MAIL ADVISORY ACTION (PTOL - 303)			
41	01/23/2006	ADVISORY ACTION (PTOL-303)			
40	11/07/2005	MAIL APPEALS CONF. PROCEED TO BPAI			
39	11/04/2005	APPEALS CONF. PROCEED TO BPAI,			
38	09/30/2005	REQUEST FOR APPEAL CONFERENCE FILED			
37	09/30/2005	NOTICE OF APPEAL FILED			
		REQUEST FOR EXTENSION OF TIME - GRANTED			

36	09/30/2005				
35	10/07/2005	DATE FORWARDED TO EXAMINER			
34	07/29/2005	AMENDMENT AFTER FINAL REJECTION			
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25	03/16/2005	DATE FORWARDED TO EXAMINER			
24	12/20/2004	RESPONSE AFTER NON-FINAL ACTION		5	19
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21	11/23/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	12/20/2004	WORKFLOW INCOMING AMENDMENT IFW			
19	09/15/2004	MAIL NON-FINAL REJECTION	565		-1
18	09/15/2004	NON-FINAL REJECTION			
17	08/13/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	08/13/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	06/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
14	06/08/2004	REFERENCE CAPTURE ON IDS			
13	11/19/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	06/01/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	03/27/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	01/15/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	04/26/2002	PRELIMINARY AMENDMENT			
6	02/15/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	02/04/2002	APPLICATION DISPATCHED FROM OIPE			
4	01/31/2002	APPLICATION IS NOW COMPLETE			
2	01/15/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/28/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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